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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
SHANNON MCMICHAEL, L.P.N.	:	
License No. 26NP06179600	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Shannon McMichael ("Respondent") is licensed as a licensed practical nurse in the State of New Jersey and has been

a licensee at all relevant times.

2. On or about March 15, 2013, the Board received a flagging notice indicating that Respondent was arrested on that same date by the Cape May County Prosecutor for three counts of Possess Controlled Dangerous Substance or Analog in violation of N.J.S.A. 2C:35-10(a)(1), one count of Distribute Heroin/Cocaine in violation of N.J.S.A. 2C:35-5(b)(3) and one count of Distribute Heroin/Cocaine in violation of N.J.S.A. 2C:35-5(b)(2).

3. On or about March 23, 2013, the Board sent Respondent, via certified and regular mail, a Flagging Letter ("Letter") relating to the arrest. The Letter requested that Respondent provide information relating to eight items, directed Respondent to respond within 20 days, and informed Respondent that her failure to respond could result in disciplinary action. In item 8, the Letter requested copies of the certificates of completion for all continuing education courses taken within the last three years.

4. The certified mail was returned as unclaimed and the regular mail was returned as undeliverable.

5. On or about April 26, 2013, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by

May 31, 2013," referring to the thirty hours of continuing education required during the June 1, 2011 - May 31, 2013 biennial period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

6. On or about September 9, 2013, the Letter was sent to Respondent's new address of record via certified and regular mail. Neither the certified nor regular mail has been returned.

7. The Respondent has not contacted the Board to respond to the Letter.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's Letter constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (h).

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for

a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the 30 hours of continuing education required for the June 1, 2011 - May 31, 2013 biennial renewal period. Respondent provided no proof of continuing education during that time frame. Respondent's failure to complete 30 hours of continuing education during the June 1, 2011 - May 31, 2013 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2013 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license

to practice nursing in the State of New Jersey was entered on July 3, 2014, and a copy served on respondent via certified and regular mail. The Provisional Order, which was sent to Respondent's address of record, was subject to finalization by the Board at 5 p.m. on the 30th business day following entry unless respondent requested modification or dismissal setting forth in writing any and all reasons why said finding and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The certified and regular mail were returned as "Not Deliverable as Addressed Unable to Forward." The Provisional Order of Discipline was resent on August 7, 2014 via certified and regular mail to Respondent's alternate address on file. Both the certified and regular mail were returned as "Attempted Not Known." The Board did not receive a response. Accordingly, the Board determined that since service was accomplished by forwarding to the address of record with the Board further proceedings were not necessary and the Provisional Order should be made final. A licensee cannot evade process by failing to respond.

ACCORDINGLY, IT IS on this 1<sup>st</sup> day of April, 2015,  
ORDERED that:

1. Respondent's license to practice as a licensed practical nurse is suspended until such time as Respondent fully responds to the Board's Letter, provides proof of completion of 30 hours of continuing education to be applied to the June 1, 2011 - May 31, 2013 biennial period, and is evaluated by the Recovery and Monitoring Program ("RAMP").<sup>1</sup> Continuing education completed after May 31, 2013 and applied to cure the deficiency of a previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. Respondent shall follow the recommendations made by RAMP and/or the evaluator for further treatment and/or a more lengthy enrollment in RAMP.

3. Nothing in this Order shall limit the Board from taking further disciplinary action based on information received related to the Board's Letter.

4. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for professional misconduct and her violation of board regulations. Further, a civil penalty of five hundred dollars (\$500) is imposed upon

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<sup>1</sup> To enroll in RAMP, you should contact Annemarie Edinger, RAMP coordinator, at (609) 883-5335, Extension 15, leaving a message with a telephone number where you may be contacted. In the event that there is no response within 48 hours, you may contact Suzanne Kinkle, RAMP's Director, at (609) 883-5335, Extension 24, and leave a message with a contact number.

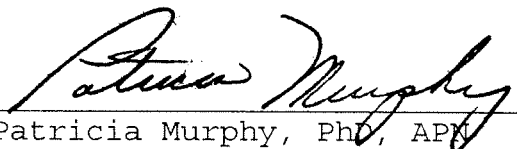
Respondent for her failure to cooperate with the Board. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. Respondent is reprimanded for her violation of N.J.S.A. 45:1-21(b).

6. Respondent shall refrain from practicing as a licensed practical nurse in the State of New Jersey and shall not represent herself as a licensed practical nurse in the State of New Jersey until such time as Respondent's license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

  
Patricia Murphy, PhD, APRN

Board President